



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,292	11/16/2000	R. Bruce Wallace	57983-000017	3714

7590 04/16/2004

Thomas E Anderson
Hunton & Williams
1900 K Street NW
Washington, DC 20006-1109

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 04/16/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,292

Applicant(s)

WALLACE ET AL.

Examiner

Benjamin R Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-16-2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Detailed Action

Claims 1-44 are pending in this Office Action.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
The application number for the provisional application on page 2 of the oath and declaration is invalid. The number should be 60/217,595 instead of 06/217,595.

Specification

The disclosure is objected to because of the following informalities:
Page 1, first paragraph of the specification there are blank spaces after application serial numbers on lines 8 and 12. These spaces need to be filled in or deleted.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4, 6, 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the customer system" in claim 4, line 3. There is insufficient antecedent basis for this limitation in the claim. Does applicant mean internet customer access system or a separate entity the customer operates from?

Claim 6 recites the limitation "the customer identification unit" in claim 6, line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "the cookie" on page 28, line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,484,257 issued to Ellis.

Regarding claim 1, an internet customer access system (Ellis: col. 4, lines 46-65) comprising:

Art Unit: 2155

a redirect receiving unit for generating a request for a capacity determination for a web site (Ellis: col. 7, lines 23-27);

a capacity determination unit for determining if the web site has capacity to handle an additional customer (Ellis: col. 7, lines 23-41);

a notification unit for notifying the customer if the web site currently has insufficient capacity (Ellis: col. 7, lines 43-44); and

a redirect unit for redirecting the customer to the web site if sufficient capacity is found (Ellis: col. 7, lines 39-43).

Regarding claim 21, a method for regulating access to a web site (Ellis: col. 4, lines 46-65), the method comprising the steps of:

receiving a web site access request (Ellis: col. 7, lines 23-27);

determining whether the web site has sufficient capacity to accommodate a customer (Ellis: col. 7, lines 23-41);

redirecting the customer to the web site if sufficient capacity is found (Ellis: col. 7, lines 39-43); and

notifying the customer if insufficient capacity is found (Ellis: col. 7, lines 43-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 11-13, 20, 22, 29, 33, 36, 37, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,484,257 issued to Ellis in view of U.S. Patent No 6,134,584 by Chang et al

Claims 4-8, 14-18, 23-26, 28, 32, 39, 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,484,257 issued to Ellis in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,625,643 by Colby et al.

Claims 9-10, 30, 31, 34, 35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,484,257 issued to Ellis in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No 4,788,715 by Lee.

Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,484,257 issued to Ellis in view of U.S. Patent No 6,134,584 by Chang et al in further view of U.S. Patent No. 6,625,643 by Colby et al in further view of U.S. Patent No 4,788,715 by Lee.

Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,484,257 issued to Ellis in view of U.S. Patent No. 6,625,643 by Colby et al in further view of U.S. Patent No 6,134,584 by Chang et al.

Regarding claim 2,

The Ellis reference teaches an internet customer access system that redirects, determines capacity, and provides notifications.

The Ellis reference does not explicitly state scheduling access of the customer to the web site.

The Chang reference teaches wherein the notification unit comprises a scheduling processor for scheduling access of the customer to the web site (Chang: col. 3, lines 27-31).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis while employing scheduling of access as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, liens 64-67).

Claims 3, 11 and 12 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis and Chang et al.

Regarding claim 3, the internet customer access system of claim 2, further comprising a customer identification unit for determining whether a customer has scheduled access to a web sited (Ellis: col. 6, lines 39-43).

Regarding claim 11, the internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that the site is full (Chang: col. 6, lines 27-33).

Regarding claim 12, the internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that replay options are available (Chang: col. 6, lines 27-33; Figure 2A).

Regarding claim 4,

The Ellis and Chang references teach the internet customer access system of claim 2 where by server and agents utilize session keys with the client (Session keys are often stored in cookies).

The Ellis and Chang references do not explicitly state wherein the scheduling processor comprises means for attaching a tag to the customer system.

The Colby reference teaches the scheduling processor comprises means for attaching a tag to the customer system (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis and Chang while attaching a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claims 5-8 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Chang et al, and Colby et al.

Regarding claim 5, the internet customer access system of Claim 4, wherein the tag comprises an encrypted (Ellis: col. 7, lines 47-62) cookie (Colby: col. 27, lines 7-18).

Regarding claim 6, the internet customer access system of claim 4, wherein the customer identification unit comprises means for detecting the tag on the customer system (Colby: col. 26,

lines 31-35, col. 27, lines 7-13) and means for removing the tag from the customer system (Colby: col. 27, lines 14-16).

Regarding claim 7, the internet customer access system of claim 3, wherein the notification unit comprises an update processor for informing a customer access system already possessing a tag of current accessibility status (Ellis: col. 10, lines 41-51; successful login and session key exchange but insufficient resources).

Regarding claim 8, the internet customer access system of claim 2, wherein the scheduling processor comprises means for providing appointment slots (Chang: col. 3, lines 42-45, col. 4, lines 7-11).

Regarding claim 9,

The Ellis and Chang references teach the internet customer access system of claim 3 with scheduling.

The Ellis and Chang references do not explicitly state the scheduling processor comprises means for providing the customer with a position in a queue and means for providing an estimated service time.

The Lee reference teaches wherein the scheduling processor comprises means for providing the customer with a position in a queue (Lee: col. 3, lines 35-41) and means for providing an estimated service time (Lee: col. 3, lines 35-41).

The Lee reference further teaches the invention allows the customer to make informed decisions about whether to wait or opt to have a call returned (Lee: col. 1, lines 24-40; col. 2, lines 11-16)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis and Chang while placing the customer in a queue and providing estimated service time as taught by Lee in order to allow the customer to make informed decisions (Lee: col. 1, lines 24-40; col. 2, lines 11-16).

Claim 10 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Chang et al, and Lee.

Regarding claim 10, The internet customer system of claim 9, wherein the notification unit comprises means for providing a customer with an updated place in the queue (Lee: col. 6, lines 20-26).

Regarding claim 13,

The Ellis reference teaches an internet customer access system (Ellis: col. 4, lines 56-65) comprising:

a capacity determination unit for determining if the web site has the capacity to handle an additional customer (Ellis: col. 7, lines 23-41); and

a customer identification unit for determining whether the customer has scheduled access to the web site (Ellis: col. 6, lines 39-43).

The Ellis reference does not explicitly state a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists.

The Chang reference teaches a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists (Chang: col. 3, lines 27-31).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis while employing scheduling of access as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Claim 20 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Chang et al.

Regarding claim 20, the internet customer access system of claim 13, further comprising a notification unit having means for notifying a customer that the site is full (Chang: col. 6, lines 27-33).

Regarding claim 14,

The Ellis and Chang references teach the internet customer access system of claim 13 where by server and agents utilize session keys with the client.

The Ellis and Chang references do not explicitly state wherein the scheduling processor comprises means for attaching a tag to the customer system.

The Colby reference teaches the scheduling processor comprises means for attaching a tag to the customer system (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis and Chang while attaching a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claims 15-18 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Chang et al, and Colby et al.

Regarding claim 15, the internet customer access system of 14, wherein the tag is an encrypted (Ellis: col. 7, lines 47-62) cookie (Colby: col. 27, lines 7-18).

Regarding claim 16, the internet customer access system of claim 15, wherein the customer identification unit comprises means for detecting the encrypted cookie on the customer system

(Colby: col. 26, lines 31-35, col. 27, lines 7-13) and means for removing the tag from the customer system (Colby: col. 27, lines 14-16).

Regarding claim 17, the internet customer access system of claim 14, further comprising a notification unit having an update processor for informing a customer access system already possessing a tag of current accessibility status (Ellis: col. 10, lines 41-51).

Regarding claim 18, the internet customer access system of claim 14, wherein the scheduling processor comprises means for providing appointment slots (Chang: col. 3, lines 42-45, col. 4, lines 7-11).

Regarding claim 19,

The Ellis, Chang, and Colby references teach the internet customer access system of claim 14 with scheduling and cookies of sessions.

The Ellis and Chang references do not explicitly state the scheduling processor comprises means for providing the customer with a position in a queue and means for providing an estimated service time.

The Lee reference teaches wherein the scheduling processor comprises means for providing the customer with a position in a queue (Lee: col. 3, lines 35-41) and means for providing an estimated service time (Lee: col. 3, lines 35-41).

The Lee reference further teaches the invention allows the customer to make informed decisions about whether to wait or opt to have a call returned (Lee: col. 1, lines 24-40; col. 2, lines 11-16)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis, Chang, and Colby while placing the customer in a queue and providing estimated service time as taught by Lee in order to allow the customer to make informed decisions (Lee: col. 1, lines 24-40; col. 2, lines 11-16).

Regarding claim 23,

The Ellis reference teaches a method for regulating access to a web site (Ellis: col. 4, lines 56-65) with sessions.

The Ellis reference does not explicitly state determining whether the customer has a tag.

The Colby reference teaches determining whether the customer has a tag (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create a method for regulating access to a web site as taught by Ellis while employing a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claims 24-26, 28 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis and Colby et al.

Regarding claim 24, the method of claim 23, further comprising determining whether the tag is valid (Colby: col. 26, lines 30-35).

Regarding claim 25, the method of claim 24, further comprising redirecting the customer to the web site if the tag is valid (Ellis: col. 7, lines 39-47; Colby: col. 27, lines 17-18).

Regarding claim 26, the method of claim 22, further comprising determining if the tag is expired (Ellis: col. 27, lines 7-18).

Regarding claim 28, the method of claim 21, wherein redirecting the customer to the web site comprises the steps of determining if the customer has a tag and removing the tag if present (Colby: col. 27, lines 14-16).

Regarding claim 27,

The Ellis and Colby reference teach the method of claim 26 of regulating access to a website with tags providing the customer with an updated status if the cookie is not expired (Ellis: col. 10, lines 41-51).

The Ellis and Colby references do not disclose performing scheduling operations if the tag is expired.

The Chang reference teaches performing scheduling operations if the tag is expired (Chang: col. 3, lines 27-31).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method for regulating access to a website with tags as taught by Ellis and Colby while employing scheduling of access as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Regarding claim 22,

The Ellis reference teaches regulating access to a website method of claim 21.

The Ellis reference teaches providing notification if resources are not found (Ellis: col. 7, lines 43-44) but does not explicitly disclose comprising notifying the customer that replay options are available.

The Chang reference teaches notifying the customer that replay options are available (Chang: col. 6, lines 27-33; Figure 2A).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method for regulating access to a website as taught by Ellis while notifying the customer that replay options are available as taught by Chang in order to specify a

time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Claim 29, 33 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis and Chang et al.

Regarding claim 29, the method of claim 21, further comprising scheduling customer access if insufficient capacity is found (Chang: col. 3, lines 27-31).

Regarding claim 33, the method of claim 29, further comprising determining whether a visitor has previously scheduled access to the web site (Ellis: col. 6, lines 39-43).

Regarding claim 30,

The Ellis and Chang references teach a method of regulating access to a website.

The Ellis and Chang references do not explicitly state wherein scheduling comprises providing the customer with a position in a queue.

The Lee reference teaches wherein scheduling comprises providing the customer with a position in a queue (Lee: col. 3, lines 35-41).

The Lee reference further teaches the invention allows the customer to make informed decisions about whether to wait or opt to have a call returned (Lee: col. 1, lines 24-40; col. 2, lines 11-16)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of regulating access to a website as taught by Ellis and Chang while placing the customer in a queue as taught by Lee in order to allow the customer to make informed decisions (Lee: col. 1, lines 24-40; col. 2, lines 11-16).

Claim 31, 34-35 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Chang et al, and Lee.

Regarding claim 31, the method of claim 29, wherein scheduling comprises providing the customer with an appointment (Chang: col. 3, lines 42-45, col. 4, lines 7-11).

Regarding claim 34, the method of claim 32, further comprising providing a customer with updated position information (Lee: col. 6, lines 20-26).

Regarding claim 35, the method of claim 33, further comprising offering a cancellation and rescheduling option upon providing updated position information (Lee: col. 2, lines 4-16).

Regarding claim 32,

The Ellis and Chang references teaches the method of regulating access to a website.

The Ellis and Chang references do not explicitly mention a tag on the customer system but do mention session information.

The Colby reference teaches leaving a tag on the customer system and providing the customer with a finite time for which the tag is valid (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create a method for regulating access to a web site as taught by Ellis and Chang while employing a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Regarding claim 36,

The Ellis reference teaches a method for regulating access to a web site (Ellis: col. 4, lines 56-65), the method comprising the steps of:

determining if the web site has sufficient capacity to handle a customer (Ellis: col. 7, lines 23-41); and

determining whether a customer has previously scheduled access to the web site (Ellis: col. 6, lines 39-43).

The Ellis reference does not explicitly disclose scheduling access of the customer to the web site if insufficient capacity is found.

The Chang reference teaches scheduling access of the customer to the web site if insufficient capacity is found (Chang: col. 3, lines 27-31).

The Chang reference further teaches the system allows downloads and accesses at later specified times when rates are lower or traffic is reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the internet customer access system as taught by Ellis while employing scheduling of access as taught by Chang in order to specify a time to access or download when traffic or rates are reduced (Chang: col. 1, lines 44-49; col. 2, lines 64-67).

Claim 37, 40 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Ellis, Chang et al, and Colby et al.

Regarding claim 37, the method of claim 36, wherein scheduling access comprises scheduling an appointment for the customer (Chang: col. 3, lines 42-45, col. 4, lines 7-11).

Regarding claim 40, the method of claim 36, further comprising redirecting the customer to the web site if sufficient capacity is found (Ellis: col. 7, lines 39-43).

Regarding claim 38,

The Ellis and Chang references teach the method of claim 36, of scheduling access

The Ellis and Chang references do not explicitly state the use assigning of a customer to a queue.

The Lee reference teaches assigning the customer a position in a queue (Lee: col. 3, lines 35-41).

The Lee reference further teaches the invention allows the customer to make informed decisions about whether to wait or opt to have a call returned (Lee: col. 1, lines 24-40; col. 2, lines 11-16)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of regulating access to a website as taught by Ellis and Chang while placing the customer in a queue as taught by Lee in order to allow the customer to make informed decisions (Lee: col. 1, lines 24-40; col. 2, lines 11-16).

Regarding claim 39,

The Ellis and Chang references teach the method of claim 36, of scheduling access to a website.

The Ellis and Chang references do not explicitly state the providing the customer with a tag.

The Colby reference teaches providing the customer with a tag (Colby: col. 27, lines 7-18).

The Colby reference further teaches this invention overcomes problems with no control over who accesses a stream or logs into a server (Colby: col. 3, lines 1-8)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create a method for regulating access to a web site as taught by Ellis and Chang while employing a tag to the customer as taught by Colby in order to control who access a stream or logs into a server (Colby: col. 3, lines 1-8).

Claims 41-44 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ellis and Colby et al.

Regarding claim 41, the method of claim 36, wherein determining whether a customer has previously scheduled access to the web site comprises determining whether a customer has a tag (Colby: col. 27, lines 7-18; Ellis: col. 6, lines 39-43).

Regarding claim 42, the method of claim 41, further comprising redirecting the customer to the web site if the tag is valid (Ellis: col. 7, lines 39-47; Colby: col. 27, lines 7-18).

Regarding claim 43, the method of claim 42, further comprising performing scheduling operations if the tag is expired (Chang: col. 3, lines 27-31; Colby: col. 27, lines 7-18).

Regarding claim 44, the method of claim 43, further comprising performing update processing if the tag is not yet valid and is not yet expired (Colby: col. 7, lines 7-18).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 6,012,086 issued to Lowell. Lowell teaches download streams like of music or video with appointment style settings.

U. S. Patent No. 6,347,328 issued to Harper et al. Harper teaches the site is full message when the main servers slots are all filled up.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone numbers for the

Art Unit: 2155

organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart

Examiner

Art Unit 2155

brb

April 13, 2004

BRB



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER